

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING

I hereby certify under 37 C.F.R. 1.10 that this correspondence is being deposited with the United States Postal Service as Express Mail Label No. EV 238067135 US with sufficient postage on the date indicated below and in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

[X] If checked, two copies of this correspondence are enclosed.

Date of Deposit:

9/9/2004

Signature

Dawn M. Janelle

Printed name of person mailing correspondence

Applicant: THURIEAU, Christophe et al..

Art Unit: 1616

Serial No.: 10/771,725

Examiner: Unknown

Filed: February 4, 2004

Title: Imidazolyl Derivatives

**INFORMATION DISCLOSURE STATEMENT AND AUTHORIZATION TO
CHARGE DEPOSIT ACCOUNT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

[] under 37 CFR 1.129(a), or
(First/Second submission after Final Rejection)

[X] under 37 CFR 1.97(b), or
(Whichever occurs last of the following: within three months of filing national application; within three months of date of entry of the national stage in international application; before the mailing date of first office action on the merits; or before the mailing of a first Office action after the filing of a request for continued examination)

[] under 37 CFR 1.97(c) together with either:
[] a Statement under 37 CFR 1.97(e), as checked below, or
[] a \$180.00 fee under 37 CFR 1.17(p), or
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)

[] under 37 CFR 1.97(d) together with:
[] a Statement under 37 CFR 1.97(e), as checked below, and
[] a Petition under 37 CFR 1.97(d)(2), and
[] a \$130.00 petition fee set forth in 37 CFR 1.17(i).
(Filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)

[] Applicant requests that the attached IDS and cited reference(s) [] be placed in the application filewrapper.
(Filed after payment of issue fee)

[X] Some of the listed references were cited in a European Search Report in a counterpart European application or cited in a communication from a foreign patent office in a counterpart foreign application.

- ☒ Enclosed herewith is form PTO/1449 (2 pages; reproduced form), with a copy of selected references noted thereon. This application was filed after June 30, 2003 and as such, copies of any United States Patent or Patent Publications are not enclosed.
- ☒ Copies of the reference(s) noted on the enclosed form PTO/1449 were previously cited by or submitted to the Patent and Trademark Office in connection with U.S. Application Serial No. [09/719,457], to which the present application claims benefit under 35 U.S.C. § 120 (37 C.F.R. 1.98(d)). Applicants request that copies of art in U.S. Application Serial No. 09/719,457 cited on the enclosed PTO/1449 form be transferred to the present U.S. Application Serial No. 10/771,725.

Concise Explanation Requirement (non-English references):

- ☐ The "concise explanation" requirement for reference(s) [AD, AK] under 37 CFR 1.98(a)(3) is satisfied by:
- ☐ the explanation provided on the attached sheet.
 - ☐ the explanation provided in the Specification.
 - ☐ submission of the enclosed International Search Report.
 - ☐ the enclosed English language abstracts.

It is requested that the information disclosed herein be made of record in this application, and that the references listed on the enclosed form PTO/SB/08B appear under the "References Cited" heading of any Patent which issues from this application, (MPEP 1302.12).

Statement Under 37 CFR 1.97(e):

- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply.
- ☒ No fee is believed to be due for this submission. However Applicant(s) hereby authorize the Commissioner to charge any fees that may be deemed to be due or to credit any overpayment to Deposit Account No. 50-0590. Two copies of this Statement are enclosed.
- ☒ The Commissioner is hereby authorized to charge any deficiency in fees and credit any overpayment to Deposit Account 50-0590. Two copies of this Statement are enclosed.

Respectfully submitted,
BIOMEASURE, INCORPORATED

Dated: Sept 9 2004

By Pamela C Ball
Pamela C. Ball, Agent for Applicant(s)
Registration No.: 53,963

27 Maple Street
Milford, Massachusetts 01757
Phone: (508)478-0144
Facsimile: (508) 473-3531

PTO-1449 REPRODUCED

ATTORNEY DOCKET NO.
082/US/PCT2/US-AAPPLICATION NO.
10/771,725**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**

(Use several sheets if necessary)

APPLICANT
THURIEAU, Christophe et al.FILING DATE
February 4, 2004GROUP/EXAMINER
Unknown**U.S. PATENT DOCUMENTS**

EXAM- INER INI- TIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
	A	5,128,355	07/07/92	Carini et al.			
	B						
	C						

FOREIGN PATENT DOCUMENTS

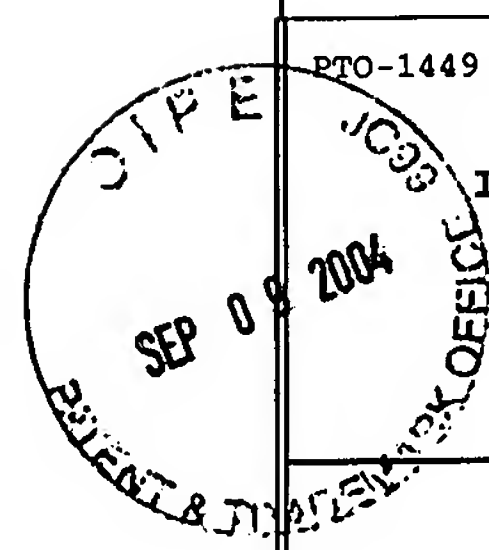
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
	D	HU 218 460 B	9/28/ 87	Hungary			
	E	98/27108	6/25/98	PCT			
	F	94/04494	3/3/94	PCT			
	G	97/24119	7/10/ 97	PCT			
	H	97/30053	8/21/ 97	PCT			
	I	97/43278	11/20/ 97	PCT			
	J	97/45425	12/4/ 97	PCT			
	K	99/64401	12/16/99	PCT			
	L	99/65942	12/23/99	PCT			
	M	00/00477	1/6/00	PCT			
	N	96/11927	4/25/96	PCT			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	O	ALBERT, Rainer, et al.; "Direct Synthesis of [DOTA-Dphe ¹]-Octreotide (SMT487):..."; Bioorganic & Medicinal Chemistry Letters, 1998, Vol. 8; Pgs. 1207-1210; XP002124712.
	P	BORNOWSKI, Heinz et al.; Chem. Abstract 1973, 78:13689.
	Q	GORDON, Thomas D. et al.; Chem. Abstract 1997, 127:248417.
	R	GRAMBERG, Dieter et al; "Synthesis of a Type Vibeta-Turn Peptide..."; Helvetica Chimica Acta; 1995, Vol. 78, Pgs. 1588-1606; XP000612160.

EXAMINER

DATE CONSIDERED



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February 4, 2004GROUP/EXAMINER
Unknown**U.S. PATENT DOCUMENTS****OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

S	HIRSCHMANN, Ralph et al.; "De Novo Design and Synthesis of Somatostatin..."; Journal of the American Chemical Society; 1996, Vol. 115, No. 26; Pgs. 12550-12568; XP002124710.
T	HIRSCHMANN, Ralph et al.; "Nonpeptidal Peptidomimetics with a beta-D-glucose Scaffolding"; Journal of the American Chemical Society; 1992, Vol. 114, No. 23; XP002124711.
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V	PAPAGEORGIOU, Christos et al.; "A Non-peptide ligand for the Somatostatin Receptor having a Benzodiazepinone Structure"; Bioorganic & Medicinal Chemistry Letters; 1996, Vol. 6, No. 3; Pages 267-272; XP004135075.
W	STOCKER, Fred B. et al.; Chem. Abstract, 1970, 72:121434.
X	TOWLIATI, Hossein; Chem. Abstract, 1971, 74:53642.
Y	VON GELDERN, Thomas W. et al.; Chem Abstract, 1996, 124:193276.
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Z	VON GELDERN, Thomas W. et al.; Chem. Abstract, 1996, 124:164291.
AA	ELLINGER and Goldberg; J. Chem. Soc.; 1949; 263, 266; Beilstein Registry Number 1965
BB	ELLINGER and Goldberg; J. Chem. Soc.; 1949; 263, 266; Beilstein Registry Number 3689018
CC	ELLINGER and Goldberg; J. Chem. Soc.; 1949; 263, 266; Beilstein Registry Number 3798855

EXAMINER

DATE CONSIDERED